

Jerome C. Gatto

* 5/027/079

MARCH 5, 2004

230 East Broadway
Salt Lake City, Utah 84111

Ms. Sally Wisely, State Director
Department of the Interior
Bureau of Land Management
324 South State Street
Salt Lake City, Utah 84111

cc: 5/027/074

Re: 3809
(UT-923) (UTU-075884)
(UTU-078275) (UTU-078273)

NOTICE OF APPEAL

CERTIFIED MAIL 7000 1670 0005 9166 7506

Attached hereto find a copy of your Decision, dated February 27, 2004 granting Unique Mineral Inc, a stay, 43 CFR 3809.800 not to allow Cambrillic Natural Stone L.L.C., to mine the slate of the Spectrum Quarry, under a permit issued by the Fillmore Field Office, dated September 9, 2003.

This Decision is hereby appealed to the Interior Board of Land Appeals Pursuant to 43 CFR Sacs. 4.411 and 4.13., and appellant motions the IBLA not to issue any rulings concerning the appeals of the appellant now before the Court, until this appeal is heard.

Quoting in part, of this decision, speaks of complicity, a feeble attempt to quickly move to a contest proceeding. It will never happen. "proper functioning of the review process". Appellant is many things, but not naïve. The ex parte conversations by the Solicitor with the IBLA is insulting.

Appellant will file a detailed appeal within the time limit, specifying the reason why this stay cannot stand, and sustain the allegation of complicity, and serious ex parte violations.

Sincerely,

J. Gatto

All copies sent certified mail.

cc. IBLA, Fillmore Field Office, State of Utah DOGM, Levin Stone,
Unique Minerals, Office of Solicitor.

RECEIVED

MAR 08 2004



United States Department of the Interior

BUREAU OF LAND MANAGEMENT



Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>

IN REPLY REFER TO:

3809

(UT-923)

UTU-075884, UTU-078275, UTU-078273

CERTIFIED MAIL #7002 0460 0002 9609 9233
RETURN RECEIPT REQUESTED

February 27, 2004

DECISION

Unique Minerals Inc.	:	Request for Stay Granted
18458 Carter Circle	:	43 CFR 3809.800
Cedar Valley, UT 84013	:	

On October 6, 2003 you filed an appeal of the Fillmore Field Office's decision to allow Cambrillic Natural Stone to mine slate from the Spectrum Quarry. In addition, you requested a stay. The Spectrum Quarry is located in section 23, T.17 S., R. 13 W. There are currently three appeals before the Interior Board of Land Appeals (IBLA) regarding this quarry. These appeals are IBLA 2000-249, 2000-251 and 2001-168. BLM moved to consolidate Unique's (IBLA 2000-251) and Cambrillic Natural Stone's appeals (IBLA 2000-249). Unique Minerals Inc. and Cambrillic Natural Stone are rival mining claimants. This motion was granted over both appellants' objections.

On July 30, 2003, Cambrillic Natural Stone submitted a plan of operations. On September 9, 2003, the Fillmore Field Office approved the plan of operations with enclosed mitigating measures. On October 6, 2003, you timely submitted a request for State Director Review of the Fillmore Field Office decision.

The Regional Solicitor contacted the Interior Board of Land Appeals (IBLA) in early December of 2003 to find out the status of the three appeals involving the Spectrum Quarry. The Board thought that a decision would be issued before Christmas. Obviously this did not happen. Another inquiry made on February 24, 2004, indicated that a draft decision is currently being circulated among the Administrative Judges. Since a decision should be forthcoming from IBLA, and the previous IBLA Order dated August 29, 2000 stayed a mineral material sale from this site, your request for a stay is granted. This stay is appropriate since it is necessary for the proper functioning of the review process.

If you do not agree with my decision you may appeal directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Utah State Office, P.O. Box 45155, Salt Lake City, UT 84145) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,

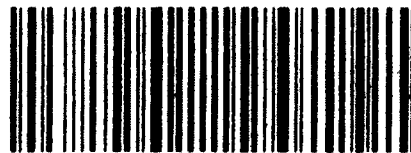
/s/ Sally Wisely

Enclosure:
Form 1842-1

cc: Wayne Hedberg, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210,
Salt Lake City, UT 84114 (S/027/079)
Cambrillic Natural Stone, Jerry Gatto, 230 E. Broadway, Suite 1205, Salt Lake City, UT
84111
Cambrillic Natural Stone, William Pappas, 1730 S. 1100 E., Salt Lake City, UT 84105
Cambrillic Natural Stone, Gene Richards, 1256 Parkcrest Circle, Salt Lake City, UT
84124
Levin Stone Inc., PO Box 95, Ash Fork, AZ 86320

Bureau of Land Management
324 South State, 4th Floor
P.O. Box 45155
Salt Lake City, Ut 94;45-0155

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